

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICE FACILITY IN THE) 99-098-UAC
CINCINNATI BASIC TRADING AREA [PINER FACILITY])

O R D E R

On April 28, 1999, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") for the Cincinnati Basic Trading Area. SprintCom has requested authorization to construct a PCS site in Kenton County. SprintCom was previously granted the authority to operate in Case No. 97-294.¹

The proposed PCS site is located at 1972 Bracht-Piner Road, Morning View, Kenton County, Kentucky ("the Piner PCS site"). The coordinates for the Piner PCS site are North Latitude 38° 49.6' 54" by West Longitude 84° 32' 11.2".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Piner PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

¹ Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

Pursuant to KRS 100.987(2), SprintCom has submitted the uniform application to, and received approval from, the Kenton County & Municipal Planning & Zoning Commission for the pending construction. SprintCom has filed applications with the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) seeking approval for the construction and operation of the Piner PCS site. Both applications are pending.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Piner PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SprintCom.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Piner PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. SprintCom is granted a Certificate of Public Convenience and Necessity to construct and operate the Piner PCS site.
2. SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions.
3. SprintCom shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 6th day of August, 1999.

By the Commission

ATTEST:

Executive Director